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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

JOSE CHAVEZ, BENJAMIN GREENBERG,
ANDREW LOESCHER, and MIGUEL
FRAGOSO, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

FCA US LLC, a Delaware Limited Liability
Company; ROBERT BOSCH GMBH, a
corporation organized under the laws of
Germany; and ROBERT BOSCH LLC, a
Delaware Limited Liability Company,

Defendants.

No. 3:16-cv-06909-EMC

**FCA US LLC'S RESPONSE TO
CARPENTER PLAINTIFFS'
ADMINISTRATIVE MOTION FOR
ORDER RELATING CASES
PURSUANT TO CIVIL L.R. 3-12**

The Honorable Edward M. Chen

Defendant FCA US LLC (“FCA”) respectfully submits this brief response to the January 20, 2017 Administrative Motion Pursuant to Civil Local Rule 3-12 filed by Plaintiffs Auburn Carpenter, Gregory Giauque, Tom Gillespe, Lawrence Diener, Matt Ortman, Graham Bolkema, Kyle and Jessica Heidlebaugh, George Milner, Joseph Bernardo, and Jesse Sandifer (“Plaintiffs”) in the case captioned *Carpenter et al. v. FCA US LLC et al.*, No. 5:17-cv-00288 (“*Carpenter*”) (Dkt. No. 33) (the “Motion”).¹ The Motion argues that *Carpenter*, a putative consumer class action against FCA, Robert Bosch GmbH and Robert Bosch LLC that was filed in this District on January 20, 2017, is related to *Chavez v. FCA US LLC et al.*, which is currently pending in this District before the Honorable Edward M. Chen, U.S.D.J.

FCA agrees that *Chavez* and *Carpenter* are related cases for purposes of the requirements for relation under Civil L.R. 3-12. FCA further notes that plaintiff Jose Chavez in the earlier filed *Chavez* action has moved to relate *Chavez* to the Volkswagen multidistrict litigation (MDL No. 2672; “*Volkswagen*”) currently pending in this District before the Honorable Charles R. Breyer. (*Volkswagen* Dkt. No. 2399.) As set forth in FCA’s response with respect to the relation of *Chavez* to *Volkswagen* (*Volkswagen* Dkt. No. 2442), FCA does not oppose the reassignment of *Chavez* (and any related cases) to Judge Breyer given Judge Breyer’s extensive experience in emissions-related litigation and the efficiencies that would follow from litigating *Chavez* (and any related cases) before him, provided that *Chavez* is not consolidated or coordinated with *Volkswagen*. FCA opposes the consolidation or coordination of *Chavez* with *Volkswagen* because the cases involve distinct claims against separate unaffiliated manufacturers regarding different vehicles and different marketing materials. For the same reasons, FCA does not oppose the reassignment of *Carpenter* to Judge Breyer, so long as *Carpenter* is not consolidated or coordinated with *Volkswagen*.

¹ FCA has not been served in the *Carpenter* action. In submitting this response to the Motion, FCA does not waive service of process, and maintains its rights to assert any defenses or other arguments, including regarding service and jurisdiction.

1 Dated: January 23, 2017

Respectfully submitted,

2 By: /s/ Robert J Giuffra Jr.

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